

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CIVIL NO. 4:25-CV-01584

Bankruptcy Case No. 24-90213

IN RE STEWARD HEALTH CARE SYSTEM, LLC, ET AL., Debtor

APPELLANTS' APPENDIX

Allan B. Diamond, Esq.
Christopher D. Johnson, Esq.
Diamond McCarthy, LLP
909 Fannin Street, 37th Floor
Houston, TX 77010
Telephone: (713) 333-5100
Facsimile: (713) 333-5199
Email: allan.diamond@diamondmccarthy.com
chris.johnson@diamondmccarthy.com

Robert J. Keach, Esq, *admitted pro hac vice*
Lindsay K. Milne, Esq.
Bernstein, Shur, Sawyer & Nelson, P.A.
100 Middle Street
P.O. Box 9729
Portland, ME 04104-5029
Telephone: (207) 774-1200
Facsimile: (207) 774-1127
Email: rkeach@bernsteinshur.com
lmilne@bernsteinshur.com

Counsel for the Appellants

TABLE OF CONTENTS

Tab	Title	Page Number
1	Order (I) Directing Trustees to Turn Over and Deliver Assets or Proceeds Thereof to the Debtors; (II) Authorizing the Debtors to Exercise Ownership Rights Over Such Assets; (III) Authorizing Termination of Trusts; and (IV) Granting Related Relief; Bankr. Case No. 24-90213 (CML) [ECF 4418]	APPX_00001 – APPX_00003
2	Notice of Appeal on Turnover Order; Bankr. Case No. 24-90213 (CML) [ECF 4421]	APPX_00004 – APPX_00011
3	Declaration of Brian Hogue In Support of Plan Participants' Motion to Stay Pending Appeal; Case No. 4:25-cv-01584 [ECF 3] <ul style="list-style-type: none"> • Exhibit 2 - Transcript of March 26, 2025 Hearing • Exhibit 3 – Transcript of March 27, 2025 Hearing • Exhibit 5 - Expert Report of Scott Van Meter • Exhibit 6 – Trial Exhibit 115 (February 20, 2024 email) • Exhibit 8 – Declaration of Dr. James Thomas • Exhibit 9 – Declaration of Dr. Diane Paggioli • Exhibit 10 – Declaration of Dr. Peter Lydon • Exhibit 11 – Declaration of Dr. A. Ana Beesen 	APPX_00012 – APPX_00014 APPX_00016 – APPX_00368 APPX_00370 – APPX_00431 UNDER SEAL ¹ APPX_00435 – APPX_00436 APPX_00438 – APPX_00443 APPX_00445 – APPX_00449 APPX_00451 – APPX_00454

¹ All documents noted as being filed “Under Seal” have been omitted from this Appendix. A supplemental appendix will be filed with the Court to include all “Under Seal” documents upon entry of an Order approving Appellants’ Motion for the Court’s Acceptance of Sealed Documents Under Bankruptcy Rule 8009(f) filed on June 26, 2025 as ECF 17.

		APPX_00456 – APPX_00459
4	Motion for an Order (A) Directing Trustees to Turn Over and Deliver Trust Assets or Proceeds Thereof to the Debtors, (B) Authorizing the Debtors to Exercise Ownership Rights Over Such Assets, (C) Authorizing Termination of Trusts, and (D) Granting Related Relief; Bankr. Case No. 24-90213 (CML) [Dkt. No. 3277]	APPX_00460 – APPX_00479
5	Objection of Certain Participants to Debtors' (I) Motion for an Order (A) Directing the Trustees to Turn Over and Deliver Trust Assets or Proceeds Thereof to the Debtors, (B) Authorizing the Debtors to Exercise Ownership Rights Over such Assets, (C) Authorizing Termination of the Trusts, and (D) Granting Related Relief; and (II) Objection to Dr. Manish Purohit's Letter; Bankr. Case No. 24-90213 (CML) [ECF 3497]	APPX_00480 – APPX_00519
6	Adversary Complaint; Adv. Proceeding 25-03066 [ECF 1] (Redacted)	APPX_00520 – APPX_00569
7	Motion for Withdrawal of Reference; Adv. Proceeding 25-03066 [ECF 3]	APPX_00570 – APPX_00593
8	Emergency Motion to Stay Hearing on Turnover Motion; Bankr. Case No. 24-90213 (CML) [ECF 4089]	APPX_00594 – APPX_00627
9	Minute Order; Bankr. Case No. 24-90213 (CML) [ECF 4166]	APPX_00628 – APPX_00630
10	March 7, 2025 Hearing Transcript	UNDER SEAL
11	Emergency Motion of Debtors Requesting Entry of Order Sealing Privileged Portions of Hearing Transcript and Hearing Audio; Bankr. Case No. 24-90213 (CML) [ECF 4203]	APPX_00631 – APPX_00674
12	Amended Emergency Motion of Debtors Requesting Entry of Order Sealing Privileged Portions of Hearing Transcript and Hearing Audio; Bankr. Case No. 24-90213 (CML) [ECF 4206]	APPX_00675 – APPX_00718
13	Plaintiffs' Opposition to Amended Emergency Motion of Debtors Requesting Entry of Order Sealing Privileged Portions of Hearing Transcript and Hearing Audio; Bankr. Case No. 24-90213 (CML) [ECF 4216]	APPX_00719 – APPX_00732

14	Declaration of Robert Keach In Support of Opposition to Motion to Seal; Bankr. Case No. 24-90213 (CML) [ECF 4217]	UNDER SEAL
15	Declaration of Ann-Marie Driscoll; Bankr. Case No. 24-90213 (CML) [ECF 4229]	APPX_00733 – APPX_00740
16	Plan Participants' Emergency Motion to Compel Production of Documents and Privilege Log; Bankr. Case No. 24-90213 (CML) [ECF 4312]	APPX_00741 – APPX_00749
17	Emergency Motion for an Order Staying Hearing on Turnover Motion; Case No. 4:25-mc-00461 [ECF 1]	APPX_00750 – APPX_00754
18	Order Denying Emergency Motion for an Order Staying Hearing on Turnover Motion; Case No. 4:25-mc-00461 [ECF 46]	APPX_00755 – APPX_00757
19	Plan Participants' Emergency Motion to Continue March 26, 2025 Hearing on Turnover Motion; Bankr. Case No. 24-90213 (CML) [ECF 4289]	APPX_00758 – APPX_00770
20	Notice of Appeal on Turnover Order; Case No. 4:25-cv-01584 [ECF 1]	APPX_00771 – APPX_00847
21	Appellants' Emergency Motion for Stay Pending Appeal (Including Motion for Immediate Stay Pending Hearing on the Emergency Motion for Stay Pending Appeal); Case No. 4:25-cv-01584 [ECF 2]	APPX_00848 – APPX_00906
22	Order Denying Appellants' Emergency Motion for Stay Pending Appeal (Including Motion for Immediate Stay Pending Hearing on the Emergency Motion for Stay Pending Appeal); Case No. 4:25-cv-01584 [ECF 15]	APPX_00907 – APPX_00911
23	Transcript of April 2, 2025 Oral Ruling	APPX_00912 – APPX_00992
24	Deposition of Katchena Potter taken on March 25, 2025	APPX_00993 – APPX_01188
25	Deposition of Ann-Marie Driscoll-Waszczuk taken on March 19, 2025	UNDER SEAL
26	Clerk's Notice of Filing of an Appeal; Bankr. Case No. 24-90213(CML)[ECF 4442]	APPX_01189
27	Amended Beneficiaries' Notice of Rule 2004 Examination and Request for Production of Documents; Bankr. Case No. 24-90213(CML)[ECF 3581]	APPX_01190 – APPX_01204
28	Complaint for Injunctive, Equitable, and Declaratory Relief and request for Class Action; Adv. Pro. 25-03066 [ECF 2]	UNDER SEAL

29	Debtors' Objection to Motion of Named Plaintiffs for an Order (I) Withdrawing the Reference and (II) Staying the Contest Matter Relating to the Turnover Motion; Adv. Pro. 25-03066 [ECF 15]	APPX_01205 – APPX_01232
30	Debtors' Reply to Objection of Certain Participants to Debtors' Motion to Turn Over Trust Assets; Bankr. Case No. 24-90213 (CML)[ECF 4105]	APPX_01233 – APPX_01285
31	Debtors' Objection to Rabbi Trust Motion Objectors' Motion to Stay; Bankr. Case No. 24-90213 (CML)[ECF 4144]	APPX_01286 – APPX_01324
32	Emergency Motion for Status Conference; Bankr. Case No. 24-90213 (CML)[ECF 4180]	APPX-01325 – APPX-01327
33	Plaintiffs' Supplement to Their Opposition to Amended Emergency Motion of Debtors Requesting Entry of Order Sealing Privileged Portions of Hearing Transcript and Hearing Audio; Bankr. Case No. 24-90213 (CML)[ECF 4244]	APPX_01328 – APPX_01334
34	Declaration of Joseph A. Krock, Ph.D.; Bankr. Case No. 24-90213 (CML)[ECF 4258]	APPX_01335 – APPX_01369
35	Declaration of John R. Castellano; Bankr. Case No. 24-90213 (CML)[ECF 4265]	APPX_01370 – APPX_01375
36	Debtors' Supplemental Brief in Response to Arguments Made by Rabbi Trust Objectors at the March 7 Hearing; Bankr. Case No. 24-90213 (CML)[ECF 4273]	APPX_01376 – APPX_01388
37	Declaration of Brian R. Hogue in Support of Plan Participants' Motion to Continue March 26, 2025 Hearing on Turnover Motion including exhibits; Bankr. Case No. 24-90213 (CML)[ECF 4290]	APPX_01389 – APPX_01412
38	Plan Participants' Emergency Motion to Continue March 26, 2025 Hearing on Turnover Motion; Bankr. Case No. 24-90213 (CML)[ECF 4291]	UNDER SEAL
39	Declaration of Brian R. Hogue in Support of Plan Participants' Motion to Continue March 26, 2025 Hearing on Turnover Motion; Bankr. Case No. 24-90213 (CML)[ECF 4292]	UNDER SEAL
40	Declaration of Christopher Johnson in Support of Plan Participants' Emergency Motion to Compel Production of Documents and Privilege Log; Bankr. Case No. 24-90213 (CML)[ECF 4313]	APPX_01413 – APPX_01430
41	Redacted Expert Report of Scott Van Meter; Bankr. Case No. 24-90213 (CML)[ECF 4323-10]	APPX_01431 – APPX_01466

42	Unredacted Expert Report of Scott Van Meter; Bankr. Case No. 24-90213 (CML)[ECF 4332]	UNDER SEAL
43	Emergency Motion by Plan Participants to Reinstate Rule 6004(h)'s 14-Day Administrative Stay; Bankr. Case No. 24-90213 (CML)[ECF 4436]	APPX_01467 – APPX_01472
44	Declaration of Brian R. Hogue in Support of Plan Participants' Emergency Motion to Reinstate Rule 6004(h)'s 14-Day Administrative Stay; Bankr. Case No. 24-90213 (CML)[ECF 4437]	APPX_01473 – APPX_01476
45	Opposed Emergency Motion for Order Setting Hearing on Emergency Motion to Stay; Case No. 4:25-mc-00461 [ECF 27]	APPX_01477 – APPX_01481
46	Response in Opposition to Motion for Hearing; Case No. 4:25-mc-00461 [ECF 32]	APPX_01482 – APPX_01486
47	Response in Opposition to Emergency Stay Motion; Case No. 4:25-mc-00461 [ECF 34]	APPX_01487 – APPX_01514
48	Reply in Support of Emergency Stay Motion; Case No. 4:25-mc-00461 [ECF 37]	APPX_01515 – APPX_01523
49	Declaration of Brian R. Hogue in Support of Emergency Motion for Stay Pending Appeal, including exhibits; Case No. 4:25-cv-01584 [ECF 5]	UNDER SEAL
50	Response in Opposition to Motion for Stay Pending Appeal, including exhibits; Case No. 4:25-cv-01584 [ECF 10]	APPX_01524 – APPX_01561

Dated: June 27, 2025

/s/ Christopher D. Johnson
Allan B. Diamond, Esq.
Christopher D. Johnson, Esq.
Diamond McCarthy, LLP
909 Fannin Street, 37th Floor
Houston, TX 77010
Telephone: (713) 333-5100
Facsimile: (713) 333-5199
Email: allan.diamond@diamondmccarthy.com
chris.johnson@diamondmccarthy.com

Robert J. Keach, Esq, *admitted pro hac vice*
Lindsay K. Milne, Esq.
Bernstein, Shur, Sawyer & Nelson, P.A.
100 Middle Street
P.O. Box 9729
Portland, ME 04104-5029
Telephone: (207) 774-1200
Facsimile: (207) 774-1127
Email:
rkeach@bernsteinsur.com
lmilne@bernsteinsur.com

Counsel for the Appellants

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2025, I caused the foregoing pleading to be filed via the Court's CM/ECF system and it was served by the Court's electronic noticing service to all parties registered to receive ECF notice.

/s/ Christopher D. Johnson